

UNITED STATES DISTRICT COURT

for the

Northern

District of Iowa

Division

RECEIVED

JUL 03 2019

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA

Sarah Courtney Smith

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

CEDAR RAPIDS, IA POLICE DEPARTMENT
CASEY'S

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Case No.

(to be filled in by the Clerk's Office)

Jury Trial: (check one)

☐ Yes

☒ No

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Address

County

Telephone Number

E-Mail Address

Sarah Courtney Center

* 404 Sandy Knoll Dr.

Coppell

TX

75019

City

State

Zip Code

DALLAS

sccenter01@hotmail.com

backup address -
my brother's address

It's against the SA
to retaliate against
family members.

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

CEDAR RAPIDS, IA Police Department

ALSO policeman in SUV #49 76 83

505 1st St SW

Cedar Rapids

IA

52404

City

State

Zip Code

LINN

319-364-6379

☐

Individual capacity

☒

Official capacity

Defendant No. 2

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

CASEY'S GAS STATION

201 SHAWNEE SE

Cedar Rapids

IA

52404

City

State

Zip Code

LINN

319-364-6379

☐

Individual capacity

☒

Official capacity

Defendant No. 3

Name

Job or Title (if known)

Address

City

State

Zip Code

County

Telephone Number

E-Mail Address (if known)

☐

Individual capacity

☐

Official capacity

Defendant No. 4

Name

Job or Title (if known)

Address

City

State

Zip Code

County

Telephone Number

E-Mail Address (if known)

☐

Individual capacity

☐

Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐

Federal officials (a *Bivens* claim)

☒

State or local officials (a § 1983 claim)

Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

8th Amendment

The Americans With Disabilities Act 35.130

Title II

CASEY'S -

DISCRIMINATION &
HARASSMENT, COERCION

POLICE! SAME AS ABOVE & INTIMIDATION

COERCION

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

Protected
class -
on 8/10/19

18 US code
245
federally
protected
activities

Pardon my hand writing. I tend to write fast. gce

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

at casey's ^{Someone} called the police when I was there to buy food & drink. I was told I could eat at a table for an hour. On 28 June 2019 @ 5:15 AM & at 2 July at 8:20 PM, the police used intimidation to force me to leave Casey's. One cop wore a hearing aid but made no effort to

III. Statement of Claim ^{Speak clearly to me. The only thing I understood him say "microphone" (2 July 2019). The other cop didn't say a word. He didn't take a rocket scientist to figure out they wanted me to leave.}

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

CASEY'S GAS STATION at 101 8th St SE - Cedar Rapids

- B. What date and approximate time did the events giving rise to your claim(s) occur?

28 June 2019 @ 5:15 AM (#40 SUR)
2 July 2019 @ 8:20 PM (#75, 83 SURS)

- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

28 June 2019 @ 5:15 AM:

I was at Casey's to use the restroom & to buy a Starbucks Frappe. I was told by a clerk - a woman her name was that I could eat there for an hour. I always buy something & eat & read for an hour. That morning I was on my way to the restroom when I noticed two policemen (SUR #40) sitting at a table closest to the hallway where the restrooms were. The cops were just sitting there. They didn't eat or drink anything.

light
One cop was about 6'1" w/ black hair & blue eyes

I was told by a clerk - a woman her name was that I could eat there for an hour. I always buy something & eat & read for an hour. That morning I was on my way to the restroom when I noticed two policemen (SUR #40) sitting at a table closest to the hallway where the restrooms were. The cops were just sitting there. They didn't eat or drink anything.

Obviously, someone called them ahead of time.

On 2 July 2019, I was at Caseip and just purchased a sandwich. I went to a table. The second I put my thing on a chair, 2 cops showed up. I didn't see the police cars until after I left. One cop, blonde hair, mumbled something to me. I couldn't understand a word he said. He pointed to the ~~cashier~~ cashier area. I noticed an African-American man in his 20s just leaning on the POS & watching me.

This blonde hair cop ^{30s} wore a hearing aid in his left ear. I told him if he was a policeman, then he "shouldn't have a hearing ~~problem~~ problem." I told him he needed to hear clearly in ~~an~~ emergencies. He said he had a microphone attached to his uniform. The "microphone" was black, square, & chunky.

I didn't believe him. I told this cop I'm deaf & that he needed to repeat what he said. He mumbled again & that was when I mentioned the hearing aid.

I ~~was~~ wore hearing aids all my life. ~~I~~ raised on my experience, hearing aids can stop working out of the blue. The clear plastic tube that's attached to the earmold & hearing aid can get stiff due to moisture & sweat. When I had a hearing aid - when it was working - back in 2010-2011, I had to replace the tube every 2-3 months when there's ~~no~~

@ Hearing aid batteries die; I have to replace them at least every 1.5 weeks.

Due to any of the above problems, I either don't hear as well - ~~as~~ it's a gradual decrease in hearing or suddenly I don't hear at all. It depends on what the problem is. Hence, hearing aids aren't reliable in dangerous situations or in a crisis. They're great when they work, but hearing aids can suddenly stop working.

moisture in the tube, it blocks sounds.

court. Do NOT include any habeas corpus claims with this complaint. Those claims should be filed separately on a special habeas corpus form which the Clerk of Court can send to you upon request.

Other Instructions

There is a fee of \$400.00 for filing your complaint. You will also be required to pay the cost of notifying each defendant on your complaint. If you feel you cannot pay the full filing fee and service costs for this action, you should fill out AO 240 (Application to Proceed in District Court without Prepaying Fees or Costs (Short Form) attached hereto. If there is more than one plaintiff, each plaintiff must complete a separate AO 240 form. The completed form(s) must be signed and returned to the Clerk of Court with the completed Pro Se 15 form.

Mail your Pro Se 15 complaint to the address below. With your complaint you must send either a check/money order for \$400.00 or a completed and signed AO 240 form. When all forms have been received, the Clerk of Court open a case and assign it to a judge.

Mailing Address: Clerk of Court
United States District Court
Northern District of Iowa
111 7th Avenue SE, Box 12
Cedar Rapids IA 52401

Your complaint will not be considered by the court unless you have followed these instructions and those instructions on the forms themselves.

III. C. cont.

So, @ that's why I didn't believe the blonde cop about his hearing aid & the ~~microphone~~ microphones.

Also, whenever I use an accessory to help me hear better on the phone - for example, the accessory doesn't work because I always had background noise. The accessory my ~~hearing~~ hearing aid

would always interfere w/ my hearing aid.

The other cop was about 5'6 - same height as the blonde cop. The other cop was white 40s, with black hair.

The blonde cop violated the Department of Justice Guidelines to the Americans with Disabilities Act. He didn't make an effort to communicate to me clearly. I couldn't read his lips, except for "microphone."

All the cops violated Title II of the ADA - by using intimidation, harassment & coercion - by forcing me to leave cases.

I paid for my food & drink w/ SNAP.

Disability is a protected class. So, did the CPD & CASE's violate 18 US Code 245 - federally protected activities?

Casip treated me as though I'm Jim Crow era. Only this time I'm a deaf, homeless woman.

Casip discriminated against me by calling the police & by forcing me to leave & not be able to eat my meal since the library was closed.

Ever since the Mission of Hope Women's Shelter forced me to leave & 2 other Women's Shelter violated the ADA's reasonable accommodations, I had to get food somewhere else. I have to leave a bag of food to carry food.

Relief

I'm forced to find another place to get food & a safe place to use the restroom whenever the Womyn's closed.

Casup knew I'm deaf, yet the staff called the police. Based on the cops' demeanor, I explained to the cops ~~AD~~ last night that I paid for my food & had a right to eat there & that both the cops & Casup violated the Americans with Disabilities Act; they didn't care.

They all violated my civil rights as a deaf woman —
I ask for \$2 million in monetary damages & that

All these cops, be fired from their jobs.

The blonde cop should have been automatically disqualified ~~was~~ as a cop. A cop should have 100% hearing during emergencies & crisis.

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VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 3 July 2019

Signature of Plaintiff

Printed Name of Plaintiff

S. Courtney Center
S. Courtney Center

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address